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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,726	11/16/2000	Leland James Wiesehuegel	AUS9-2000-0736-US1	9483

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10/04/2003

Robert H Frantz  
P O Box 23324  
Oklahoma City, OK 73123-2334

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/714,726

Applicant(s)

WIESEHUEGEL ET AL

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 6-9, 14-18, and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Walker (6,085,169).

Walker discloses a conditional purchase offer system comprising:

- a method for preparing and presenting entitled offerings to prospective brokers, said prospective brokers including buyers and bidders, and for collecting bids from said prospective buyers, bidders and brokers in response to said offerings (**col.2, lines 35-45; col.5, lines 20-30; and col.6, lines 6-20**), said method comprising the steps of:
  - providing a broker profile for each prospective broker in a computer-readable record, each broker profile containing one or more entitlement definitions indicating allowable items which a broker may receive (*CPO rules*) (**col.2, lines 35-65; col.3, lines 10-25; and col.3, line 65 to col.4, line 12**)
  - preparing one or more entitled offerings through filtering an available items list according to said broker profiles such that said prepared entitled offerings include only offerings for one or more items to which a broker is allowed offers as defined by the prospective broker's entitlement definitions (**col.3, line 40 to col.4, line 12**)
  - presenting via a computer user interface said entitled offerings to one or more prospective brokers such that each broker may review his or her entitled offerings (**col.8, line 60 to col.9, line 6 and col.10, lines 5-24**)
- the step of presenting via a computer user interface said entitled offerings to one or more prospective brokers comprises presenting said entitled offerings via a web browser user interface (**col.8, line 60 to col.9, line 6 and col.10, lines 5-24**)
- the step of receiving one or more bids from said prospective brokers via a computer network (**col.8, line 60 to col.9, line 6 and col.10, lines 5-24**)
- the step of receiving one or more bids comprises receiving bids via a computer network from a web browser system (**col.8, line 60 to col.9, line 6 and col.10, lines 5-24**)

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- a computer-readable medium containing computer executable program code for preparing and presenting entitled offerings to prospective brokers, said prospective brokers including buyers and bidders, and for collecting bids from said prospective buyers and brokers in response to said entitled offerings in a computer network server, said computer program code causing said computer network server to perform the steps of accessing a broker profile for each prospective broker in a computer-readable record, each broker profile containing one or more entitlement definitions indicating allowable items for which a broker may receive offerings; preparing one or more entitled offerings through filtering an available items list against said broker profiles such that resulting entitled offerings include only one or more items for which a broker is allowed to receive offerings as defined by the prospective broker's entitlement definitions; and presenting via a computer user interface said entitled offerings to one or more prospective brokers such that each broker may review his or her entitled offerings **(col.2, lines 35-65; col.3, lines 10-25; col.3, line 35 to col.4, line 12; col.8, line 60 to col.9, line 9; and col.10, lines 5-25)**
- an offering system in a computer network for preparing and presenting entitled offerings to brokers, buyers and bidders, hereinafter collectively referred to as "brokers", said computer network enabling communications between said sales offering system and broker consoles, said offering system comprising:
  - a database containing entitled sales offerings, said database accessible and queriable by network application servers
  - an entitled offering preparation server for preparing entitled offerings through filtering lists of available items against broker entitlement parameters to produce entitled offerings including one or more items to which a broker is entitled to bid, and for storing entitled sales offerings in said database
  - a network application server for providing sales offerings to broker console computers **(col.2, lines 35-65; col.3, lines 10-25; col.3, line 35 to col.4, line 12; col.8, line 60 to col.9, line 9; and col.10, lines 5-25)**
- the network application server is an Internet server **(col.8, line 60 to col.9, line 6 and col.10, lines 5-24)**
- the network application server is adapted for communications with broker console computers which are web browser devices **(col.8, line 60 to col.9, line 6 and col.10, lines 5-24)**

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 10-13, and 22-23 rejected under 35 U.S.C. 102(a) as anticipated by  
or, in the alternative, under 35 U.S.C. 103(a) as obvious over Walker.

Walker discloses a conditional purchase offer system comprising:

- providing a broker profile with entitlement definitions comprises providing an item category parameter within said entitlement definitions (*divided into business traveler, last minute traveler, and other categories and items available to each set*) (col.3, line 65 to col.4, line 12)
- the step of providing a broker profile with entitlement definitions comprises providing a broker location parameter within said entitlement definitions (*specifying to what location and when the broker must fly*) (col.5, line 65 to col.6, line 5)
- the step of preparing one or more entitled offerings comprises removing items from said available items list which are unmatched by a category parameter within a broker entitlement definition to produce a minimized list of items for which a broker is entitled to receive offerings (*occurs when fares are removed for business travelers not willing to stay over on Saturday night*) (col.3, line 65 to col.4, line 13)
- the step of preparing one or more entitled offers comprises removing items from said available items list which are unmatched by a broker location parameter within a broker entitlement definition to produce a minimized list of items for which a broker is entitled to receive offerings (*broker unwilling to fly to a location because of undesired specified dates and times*) (col.5, line 64 to col.6, line 5)

It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to incorporate the above identified processes into the system disclosed by Walker to allow brokers to navigate through the system with ease by being provided with items and services tailored to their specific needs.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker.


It is inherent, and therefore, obvious, that the network application server may be a hypertext transfer protocol server (HTTP) or secure hypertext transfer protocol server (HTTPS), since it is common practice to utilize both when searching on the Internet and when it is desired to securely search on the Internet.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-2272.



LMH



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600